



General Assembly

January Session, 2009

Raised Bill No. 6645

LCO No. 4258

* ____HB06645JUD__040309__ *

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS
PLACED OR TREATED UNDER THE DIRECTION OF THE
COMMISSIONER OF DEVELOPMENTAL SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-71 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) A person is guilty of sexual assault in the second degree when
4 such person engages in sexual intercourse with another person and: (1)
5 Such other person is thirteen years of age or older but under sixteen
6 years of age and the actor is more than three years older than such
7 other person; or (2) such other person is mentally defective to the
8 extent that such other person is unable to consent to such sexual
9 intercourse; or (3) such other person is physically helpless; or (4) such
10 other person is less than eighteen years old and the actor is such
11 person's guardian or otherwise responsible for the general supervision
12 of such person's welfare; or (5) such other person is in custody of law
13 or detained in a hospital or other institution and the actor has
14 supervisory or disciplinary authority over such other person; or (6) the
15 actor is a psychotherapist and such other person is (A) a patient of the

16 actor and the sexual intercourse occurs during the psychotherapy
 17 session, (B) a patient or former patient of the actor and such patient or
 18 former patient is emotionally dependent upon the actor, or (C) a
 19 patient or former patient of the actor and the sexual intercourse occurs
 20 by means of therapeutic deception; or (7) the actor accomplishes the
 21 sexual intercourse by means of false representation that the sexual
 22 intercourse is for a bona fide medical purpose by a health care
 23 professional; or (8) the actor is a school employee and such other
 24 person is a student enrolled in a school in which the actor works or a
 25 school under the jurisdiction of the local or regional board of education
 26 which employs the actor; or (9) the actor is a coach in an athletic
 27 activity or a person who provides intensive, ongoing instruction and
 28 such other person is a recipient of coaching or instruction from the
 29 actor and (A) is a secondary school student and receives such coaching
 30 or instruction in a secondary school setting, or (B) is under eighteen
 31 years of age; or (10) the actor is twenty years of age or older and stands
 32 in a position of power, authority or supervision over such other person
 33 by virtue of the actor's professional, legal, occupational or volunteer
 34 status and such other person's participation in a program or activity,
 35 and such other person is under eighteen years of age; or (11) such
 36 other person is placed or treated under the direction of the
 37 Commissioner of Developmental Services in any public or private
 38 facility or program and the actor has supervisory or disciplinary
 39 authority over such other person.

40 (b) Sexual assault in the second degree is a class C felony or, if the
 41 victim of the offense is under sixteen years of age, a class B felony, and
 42 any person found guilty under this section shall be sentenced to a term
 43 of imprisonment of which nine months of the sentence imposed may
 44 not be suspended or reduced by the court.

45 Sec. 2. Section 53a-73a of the general statutes is repealed and the
 46 following is substituted in lieu thereof (*Effective October 1, 2009*):

47 (a) A person is guilty of sexual assault in the fourth degree when: (1)
 48 Such person intentionally subjects another person to sexual contact

49 who is (A) under thirteen years of age and the actor is more than two
50 years older than such other person, or (B) thirteen years of age or older
51 but under fifteen years of age and the actor is more than three years
52 older than such other person, or (C) mentally defective or mentally
53 incapacitated to the extent that such other person is unable to consent
54 to such sexual contact, or (D) physically helpless, or (E) less than
55 eighteen years old and the actor is such other person's guardian or
56 otherwise responsible for the general supervision of such other
57 person's welfare, or (F) in custody of law or detained in a hospital or
58 other institution and the actor has supervisory or disciplinary
59 authority over such other person; or (2) such person subjects another
60 person to sexual contact without such other person's consent; or (3)
61 such person engages in sexual contact with an animal or dead body; or
62 (4) such person is a psychotherapist and subjects another person to
63 sexual contact who is (A) a patient of the actor and the sexual contact
64 occurs during the psychotherapy session, or (B) a patient or former
65 patient of the actor and such patient or former patient is emotionally
66 dependent upon the actor, or (C) a patient or former patient of the
67 actor and the sexual contact occurs by means of therapeutic deception;
68 or (5) such person subjects another person to sexual contact and
69 accomplishes the sexual contact by means of false representation that
70 the sexual contact is for a bona fide medical purpose by a health care
71 professional; or (6) such person is a school employee and subjects
72 another person to sexual contact who is a student enrolled in a school
73 in which the actor works or a school under the jurisdiction of the local
74 or regional board of education which employs the actor; or (7) such
75 person is a coach in an athletic activity or a person who provides
76 intensive, ongoing instruction and subjects another person to sexual
77 contact who is a recipient of coaching or instruction from the actor and
78 (A) is a secondary school student and receives such coaching or
79 instruction in a secondary school setting, or (B) is under eighteen years
80 of age; or (8) such person subjects another person to sexual contact and
81 (A) the actor is twenty years of age or older and stands in a position of
82 power, authority or supervision over such other person by virtue of
83 the actor's professional, legal, occupational or volunteer status and

84 such other person's participation in a program or activity, and (B) such
85 other person is under eighteen years of age; or (9) such person subjects
86 another person to sexual contact who is placed or treated under the
87 direction of the Commissioner of Developmental Services in any
88 public or private facility or program and the actor has supervisory or
89 disciplinary authority over such other person.

90 (b) Sexual assault in the fourth degree is a class A misdemeanor or,
91 if the victim of the offense is under sixteen years of age, a class D
92 felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-71
Sec. 2	<i>October 1, 2009</i>	53a-73a

JUD *Joint Favorable*